THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 26448 of 1995

Dated: 21.11.2006

Between:

Smt. E.Laxmi

… Petitioner

AND

Electronics Corporation of India Limited
ECIL Post Office, Hyderabad & another.

… Respondents

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 26448 of 1995

ORDER:-

The Award dated 04.08.1995 made in I.D.No.201 of 1993 passed by the 2nd respondent is the subject matter of this writ petition.

The petitioner was employed by the 1st respondent on daily wage basis from 03.01.1980 to 06.11.1981 and her services were terminated on 06.11.1981. The petitioner has not immediately challenged her termination order. However, she filed W.P.No.46 of 1987 in this Court wherein she claimed that her co-workmen questioned their termination before the 2nd respondent through I.D.No.10 of 1980, wherein a direction was given to regularize their services and that following the same, a settlement was reached between the management of the 1st respondent and the said workmen and in pursuance of the same, the said workmen were taken back into service and their services were regularized. This Court disposed of the said writ petition on 13.04.1989 directing the petitioner to make a representation to the 1st respondent. Accordingly, the petitioner made a representation on 26.10.1989 and as there was no response from the 1st respondent on the said representation, she raised an industrial

dispute, the adjudication in which is the subject matter of the present writ petition.

Having gone through the Award of the Labour Court, it appears to me that the reasoning of the Labour Court in rejecting the relief of regularization to the petitioner is un-exceptionable. The petitioner, for reasons best known to her, failed to join the other workmen, whose services were also terminated along with hers in I.D.No.10 of 1980 nor she filed a separate I.D. before the 2nd respondent for her reinstatement. She allowed seven years to pass by before venturing to file W.P.No.46 of 1987 and another four years to expire before filing the I.D. out of which the present writ petition arises. The 2nd respondent is therefore justified in holding that the dispute raised by the petitioner suffers from uncondonable laches. The petitioner having displayed supine indifference for years cannot suddenly wake up and claim regularization, more so when a settlement was already reached by the 1st respondent Management and the other workmen, who at the earliest point of time approached the Labour Court and got the relief.

In my considered view, the Award of the 2nd respondent does not suffer from any error warranting interference of this Court under Article 226 of the Constitution of India.

For the aforementioned reasons, the writ petition is dismissed. No costs.

C.V. NAGARJUNA REDDY, J

Date: 21.11.2006
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